## REMARKS

### Status of Claims

Claims 1 and 21 are presently amended. Claims 12, 13 and 22 are presently cancelled. Claims 35-62 were previously cancelled. Accordingly, Claims 1-11, 14-21 and 23-34 are pending.

### Support for Claim Amendments

Support for the amendments of Claims 1 and 21 can be found throughout the specification, for example, at Claims 12, 13 and 22.

### Amendment of Specification

The specification has been amended to indicate that the divisional application that was filed on February 9, 2004 has been assigned an application number.

### Rejection under 35 U.S.C. § 102(b)

Claims 1-11, 14-20, 21 and 23-33 have been rejected as being anticipated by the British reference GB-A-825-480 (hereinafter "GB'480"). (See page 2 of the Office Action.)

GB'480 discloses a method of **filling** an enteric capsule, *i.e.*, a gelatin capsule, with a dry micro-organism powder. (See page 3, lines 105-110, and page 4, lines 45-50, of GB'480.) The capsule is preformed before being filled with powder.

In contrast, the methods of the present invention do **not** describe filling capsules. Instead, the methods of the present invention comprises **spraying** a melted encapsulant onto a sensitive material.

In particular, Claim 1, as amended, recites a method of encapsulating a sensitive material comprising plating the sensitive material onto a solid carrier to form a plated material, and encapsulating the plated material. The encapsulation is defined as comprising **spraying a melted encapsulant** onto the plated material.

The Examiner did not reject Claims 12 and 13. Claim 12 recites spraying the sensitive material onto the solid carrier. Claim 13 recites encapsulation with a "melted encapsulant." Claims 12 and 13 have been incorporated into Claim 1. Accordingly, Applicants request that the anticipation rejection of Claim 1-20 be withdrawn.

Claim 21, as amended, recites a method of encapsulating a sensitive substance comprising **spraying a melted encapsulant** onto particles of a sensitive material.

The Examiner did not reject Claim 22. Claim 22 recites spraying a coating onto the sensitive material. Claim 22 has been incorporated into Claim 21. Accordingly, Applicants request that the anticipation rejection be withdrawn.

**Rejection under 35 U.S.C. § 103(a)**

Claims 1-34 have been rejected as being obvious over the British reference GB 1,318,799 (hereinafter "GB'799"). (See page 3 of the Office Action.)

The meaning ascribed to the term "encapsulating" by GB'799 differs from the meaning of the term as used in the pending application. In particular, the method of encapsulation described by GB'799 is the formation of a capsule by dispersing an active material and a matrix composition in a solvent, removing the solvent, and then mechanically breaking the resulting solid dispersion. (See page 1, lines 19-25 of GB'799.) The capsule is a mixture of an active material and a matrix composition.

In contrast, the methods of the present invention comprises encapsulating, *i.e.*, **coating**, a sensitive material by **spraying** a melted encapsulant onto the sensitive material in an inert atmosphere. There is no mechanical breaking of a dispersion.

The Examiner states that GB'799 teaches that "the capsules can be formed by a spraying operation." However, the "spraying" according to the GB'799 patent is completely different from the "spraying" according to the present invention.

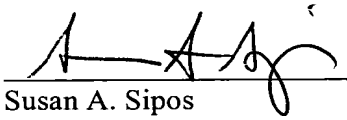
In particular, according to GB'799, the active material and the matrix composition are mixed together to form a capsule composition. This capsule composition is then **sprayed** "through a gaseous medium, and solid capsules are formed by collecting the capsule composition particles in the polyglycol whereby the polyglycol acts to desolventize the capsule composition particles." (See page 2, lines 74-89, of GB'799) Thus, **spraying** takes place after the active material and matrix composition are mixed, *i.e.*, **after** the capsule is formed. **Spraying is only used to remove solvent.**

In contrast, in the present invention, **spraying** is used to encapsulate a sensitive material, *i.e.*, spraying is used to form the encapsulated sensitive material.

In order for a *prima facie* case of obviousness to be made, a prior art reference must teach or suggest all the claim limitations. GB'799 does not teach or suggest all the claim limitations. In particular, as discussed above, GB'799 does not disclose encapsulating a sensitive material by spraying a melted encapsulant onto the sensitive material. Also, GB'799 does not disclose an inert atmosphere. Accordingly, the present invention is not obvious over GB'799. Thus, Applicants request that this obviousness rejection be withdrawn.

Applicants respectfully submit that the application is now in condition for allowance, which action is earnestly solicited. If resolution of any remaining issue is required prior to allowance of this application, it is respectfully requested that the Examiner contact Applicants' undersigned attorney at the telephone number provided below.

Respectfully submitted,



Susan A. Sipos
Registration No.: 43,128
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550

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